

Reference: IR780

Date issued: 15 June 2021

Clocaenog Community Council

I am writing in response to your request for information dated 18 May 2021 in which you requested information regarding Clocaenog Community Council.

For ease of reference, I have reproduced your question below in bold and set out our corresponding response:

I understand that your offices have recently produced a report about Clocaenog Community Council, located in Denbighshire. I am requesting a copy of this report under the Freedom of Information Act.

We have recently completed audit work on Clocaenog Community Council and prepared a “consideration document”, which, in order to meet principles of natural justice, has been provided to the Council for comment. Once the process of providing opportunity to comment has finished, we will consider whether a report should be published.

It is not clear whether the “consideration document” falls within the scope of your request. However, even if it does fall within scope, disclosure at this stage of our work would clearly jeopardise natural justice and prejudice audit functions. The document therefore falls within the section 33 (2) exemption provided by the Freedom of Information Act 2000.

I have considered the balance of the public interest in maintaining that exemption. While on the one hand there is public interest in publicising audit work so as to facilitate accountability for the use of public money, on the other hand fairness (natural justice) and effective audit would be undermined by disclosure before the opportunity to comment and decision on whether to publish a report have concluded. A report that has had the benefit of comments, such as in relation to factual accuracy, is very much more likely to facilitate proper accountability than a consideration document. Also, not allowing the opportunity to comment to be concluded is likely to reduce trust in auditors and reduce the co-operation of audited bodies with audit process. I have therefore concluded that the public interest lies very much with maintaining the section 33 exemption, and I am therefore withholding the consideration document.

If you wish to complain about the handling of your request, please write to Martin Peters, Head of Law and Ethics, by email to martin.peters@audit.wales or by post to 24 Cathedral Road, Cardiff, CF11 9LJ.

I must also refer you to section 50 of the Freedom of Information Act under which you may apply to the Information Commissioner for a decision on whether or not your request has been dealt with in accordance with the Act. The Information Commissioner's contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

email : casework@ico.gsi.gov.uk

Tel: 01625 545745
Fax: 01625 524510

You should note, however, that the Information Commissioner would normally expect you to have exhausted our internal complaints procedures before dealing with such an application. Further guidance may be found on the Information Commissioner's website: <https://ico.org.uk/>

Yours sincerely,

Information Officer